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10/814,465	03/31/2004	Sanjeev Garg	CEI0531R	8002
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MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER HERRERA, DIEGO D	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 07/23/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/814,465

Applicant(s)

GARG, SANJEEV

Examiner

Diego Herrera

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Amendments made on claims 1, 11, and 18 .

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by Chang (US 6901268 B2).

Regarding claim 1. Chang discloses a method for reducing an erroneous frame classification associated with a communication in a radio access network (RAN) (abstract, col. 1 lines: 15-22, Chang teaches base station controller in communication network with mobile devices and base stations), the method comprising: classifying a first frame associated with the communication on a first channel having a first data rate (col. 7 lines: 54-67—col. 8 lines: 1-10, Chang teaches forward and reverse channels having SCH and FCH/DCCH and control of power, hence, controlling

frames with data indicators as to control of power) and classifying a second frame associated with the communication on a second channel having a second data rate (col. 7 lines: 54--col. 8 lines:10, Chang teaches forward and reverse links one skilled in the art knows that they are of different rates and classifying of frames is done independently to regulate rate and provide better QoS), wherein classifying includes classifying a Transmit/Discontinuous Transmit (TX/DTX) condition associated with each of the first frame and the second frame (col. 9 lines: 31-57, Chang teaches determining type of transmissions messages between first and second channels and their transmitted frames); and

re-classifying the first frame from a first condition of the first frame to a second condition of the first frame based on the classifying the second frame of the second channel (fig. 4a-b, 13, 15-16, col. 9 lines: 31-57, col. 10 lines: 24-44, Chang teaches re-assigning the second channel and second frame to a second condition than the first received through first channel first frame), and wherein the first condition being a DTX condition (fig. 3, 4b, col. 1 lines: 24-50, col. 10, lines: 24-26, Chang teaches DTX condition detected when message is received), and the second condition being at least one of a TX condition or an erasure condition (col. 10 lines: 24-44, Chang teaches setting EIB on the reverse SCH when DTX mode is detected).

Regarding claim 11. Chang discloses a method for determining an erroneous frame condition associated with a wireless communication in a radio access network (RAN) (abstract, col. 1 lines: 15-22, Chang teaches base station controller in communication network with mobile devices and base stations), the method comprising:

determining a first parameter including one or more of: a Transmit/Discontinuous Transmit (TX/DTX) parameter (col. 1 lines: 24-30, 42-50, Chang teaches determination of parameter is that of a DTX), a first rate parameter, and a first quality parameter (col. 10 lines: 1-7, Chang teaches CRC to check quality and reverse link quality to check the reception strength of the reverse SCH frame), the first parameter associated with a first frame on a first channel having a first data rate;

determining a second parameter including one or more of: a second TX/DTX parameter, a second rate parameter (col. 1 lines: 24-30, 42-50, col. 9-12, Chang teaches determination of parameter is that of a DTX), a second quality parameter (col. 10 lines: 1-7, Chang teaches CRC to check quality and reverse link quality to check the reception strength of the reverse SCH frame), and a content parameter associated with a second frame on a second channel having a second data rate; and determining that a first condition associated with the first frame includes the erroneous condition and reclassifying the first condition associated with the first frame to a second condition associated with the first frame based on the second parameter associated with the second frame on the second channel (col. 10 lines: 24-44, Chang teaches setting EIB on the reverse SCH when DTX mode is detected),

wherein the first data rate is greater than the second data rate (col. 12 lines: 11-23, Chang teaches controlling power level).

Regarding claim 18. Chang discloses an apparatus for reducing erroneous frame classifications associated with a communication with a radio access network (RAN) (abstract, col. 1 lines: 15-22, Chang teaches base station controller in communication

network with mobile devices and base stations), the apparatus comprising:
an interface capable of supporting a portion of the communication on a first channel having a first data rate and a second channel having a second data rate less than the first data rate (abstract, col. 11 lines: 13-40, Wang teaches FCH/DCCH and SCH two channels having different rates of data);
a memory (abstract, col. 1 lines: 16-22, Chang teaches base station controller, hence, memory component being part of station); and
a processor coupled to the memory and the interface (abstract, col. 1 lines: 16-22, Chang teaches system hence processing power and components), the memory storing instructions for causing the processor to:
determine a second parameter associated wherein the first classification condition associated with the first frame of the first channel is reclassified to a second classification condition based on the second parameter associated with the first frame on the second channel (fig. 3, 4b, col. 1 lines: 24-50, col. 10, lines: 24-26, Chang teaches DTX condition detected when message is received) and wherein an adjustment of a power level associated with the first channel is facilitated based on the re-classification (col. 12 lines: 11-23, Chang teaches controlling power level).
Consider claim 2. A method according to claim 1, further comprising:
re-classifying the second frame from a first condition of the second frame to a second condition of the second frame associated with the communication based on the classifying of the first frame (col. 10 lines: 24-44, Chang teaches setting EIB on the reverse SCH when DTX mode is detected).

Consider claim 3. A method according to claim 2, further comprising facilitating an adjustment of a power level associated with the second channel based on the re-classifying the second frame (col. 10 lines: 24-44, Chang teaches setting EIB on the reverse SCH when DTX mode is detected, hence, power control based on second frame second channel).

Consider claim 4. A method according to claim 2, wherein the first condition of the second frame includes one or more of a rate parameter and a quality parameter and wherein the rate parameter includes a less than full rate value and the quality parameter includes a low quality value (col. 9 lines: 65—col. 10 lines: 23, Chang teaches having FQI and reverse link quality to the reception strength of the reverse SCH frame).

Consider claim 5. A method according to claim 1, wherein the first channel includes one of a high capacity channel and a low reliability channel and the second channel includes, respectively, one of a low capacity channel and a high reliability channel (fig. 7, 9, 12, col. 9 lines: 65—col. 10 lines: 23, Chang teaches having FCH/DCCH and SCH).

Consider claim 6. A method according to claim 1, wherein the RAN includes a cdma2000 RAN (col. 9 lines: 20-25, Chang teaches CDMA communication system RAN is inherently part of the system), and wherein the first channel includes a supplemental channel (SCH) and the second channel includes one of a fundamental channel (FCH) and a dedicated control channel (DCCH) (col. 10 lines: 24-44, Chang describes channels compose of FCH/DCCH and SCH).

Consider claim 7. A method according to claim 1, wherein the classifying the first

frame includes classifying a Transmit/Discontinuous Transmit (TX/DTX) condition associated with the first frame (abstract, col. 10 lines: 50-67—col. 11 lines: 1-12, Chang teaches getting information of channel classification of first frame having that of DTX otherwise TX).

Consider claim 8. A method according to claim 1, wherein the first condition of the first frame includes a Discontinuous Transmit (DTX) condition and the second condition of the first frame includes a Transmit (TX) condition (abstract, col. 10 lines: 50-67—col. 11 lines: 1-12, Chang teaches getting information of channel classification of first frame having that of DTX otherwise TX meaning that the frame is good for transmission).

Consider claim 9. A method according to claim 7, wherein the second condition further includes an Erasure condition (col. 10 lines: 24-44, Chang teaches setting EIB on the reverse SCH when DTX mode is detected, hence, erasure is the second condition).

Consider claim 10. A method according to claim 1, further comprising facilitating an adjustment of a power level associated with the first channel based on the re-classifying the first frame (col. 10, Chang teaches adjusting power level associated based on first channel first frame classification).

Consider claim 12. A method according to claim 11, further comprising determining that a first condition associated with the second channel includes the erroneous condition and reclassifying the first condition associated with the second channel to a second condition associated with the second channel based on the first parameter (col. 10 lines: 1-7, 24-44, Chang teaches determination of DTX mode and erroneous data, i.e. bad frame; col. 9-12, Chang teaches the process the changing the parameters to a

second condition based on received information to adjust power level).

Consider claim 13. A method according to claim 12, further comprising facilitating an adjustment of a power level associated with the second channel based on the reclassifying the first condition associated with the second channel (col. 10 lines: 24-44, Chang teaches setting EIB on the reverse SCH when DTX mode is detected, hence, power control based on second frame second channel).

Consider claim 14. A method according to claim 11, wherein the first channel includes a high capacity channel and the second channel includes a low capacity channel (fig. 7, 9, 12, col. 9 lines: 65—col. 10 lines: 23, Chang teaches having FCH/DCCH and SCH).

Consider claim 15. A method according to claim 11, wherein the RAN includes a cdma2000 RAN (col. 9 lines: 20-25, Chang teaches CDMA communication system RAN is inherently part of the system), and wherein the first channel includes a supplemental channel (SCH) and the second channel includes one of a fundamental channel (FCH) and a dedicated control channel (DCCH) (col. 10 lines: 24-44, Chang describes channels compose of FCH/DCCH and SCH).

Consider claim 16. A method according to claim 11, wherein, if the TX/DTX parameter is equal to DTX and at least one of the conditions of: the rate parameter includes a value greater than a lowest rate value, the quality parameter indicates a good frame, and the content parameter indicates bearer data is satisfied (abstract, col. 10 lines: 50-67—col. 11 lines: 1-12, Chang teaches getting information of channel classification of first frame having that of DTX otherwise TX meaning that the frame is good for transmission), then the re-classifying the first condition associated with the first frame to

a second condition associated with the first frame includes the first condition where the TX/DTX parameter is equal to DTX and the second condition where TX/DTX parameter is equal to TX and the quality parameter is an erasure (col. 10, Chang teaches first and second condition that of DTX and erasure and TX).

Consider claim 17. A method according to claim 11, further comprising facilitating an adjustment of a power level associated with the first channel based on the re-classifying the first condition associated with the first frame (col. 10, Chang teaches adjusting power level associated based on first channel first frame classification).

Consider claim 19. An apparatus according to claim 18, wherein the instructions further cause the processor to:

determine a first parameter associated with the first frame on the first channel; and
determine that a first classification condition associated with the first frame on the second channel is erroneous (col. 10 lines: 1-7, 24-44, Chang teaches determination of DTX mode and erroneous data, i.e. bad frame),

wherein the first classification condition associated with the first frame on the second channel is reclassified to a second classification condition based on the first parameter and an adjustment of a power level associated with the second channel is facilitated based on the re- classification (col. 9-12, Chang teaches the process the changing the parameters to a second condition based on received information to adjust power level).

Consider claim 20. An apparatus according to claim 18, wherein the first channel includes a high capacity channel and the second channel includes a low capacity channel (fig. 7, 9, 12, col. 9 lines: 65—col. 10 lines: 23, Chang teaches having

FCH/DCCH and SCH).

Consider claim 21. An apparatus according to claim 18, wherein the RAN includes a cdma2000 RAN (col. 9 lines: 20-25, Chang teaches CDMA communication system RAN is inherently part of the system), and wherein the first channel includes a supplemental channel (SCH) and the second channel includes one of a fundamental channel (FCH) and a dedicated control channel (DCCH) (col. 10 lines: 24-44, Chang describes channels compose of FCH/DCCH and SCH).

Consider claim 22. An apparatus according to claim 18, wherein the first classification condition includes one of a first erasure condition and a discontinuous transmit (DTX) condition and the second classification condition includes, respectively, one of a discontinuous transmit (DTX) condition and a second erasure condition (col. 9-12, Chang teaches DTX first condition and erasure/idle/null and changing to second condition to erasure/idle/null and DTX).

Consider claim 23. The apparatus according to claim 18, used in a mobile station wherein the interface is capable of coupling the mobile station and the RAN and supporting a downlink portion of the communication on the first channel and the second channel (abstract, col. 9-11, Chang teaches use of uplink and downlink or forward and reverse channel communication in CDMA system, hence, components for support of wireless communication elements).

Consider claim 24. The apparatus according to claim 18 used in a base station wherein the interface is capable of coupling the base station and a Mobile Station (MS) associated with the RAN, the interface capable of supporting an uplink portion of the

communication on the first channel and the second channel (abstract, col. 9-11, Chang teaches use of uplink and downlink or forward and reverse channel communication in CDMA system, hence, components for support of wireless communication elements).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617